

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
LITTLE MISSOURI RIVER BASIN ABOVE LITTLE BEAVER CREEK (39F)
PRELIMINARY DECREE

* * * * *

CLAIMANT: Pilster Ranch Corp.

CASE 39F-0121-R-2022

39F 22130-00 39F 22142-00
39F 22131-00 39F 22143-00
39F 22132-00 39F 22144-00
39F 22139-00 39F 22145-00
39F 22140-00 39F 22146-00
39F 22141-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

Water Right Claims 39F 22130-00, 39F 22131-00, 39F 22132-00, 39F 22139-00,
39F 22140-00, 39F 22141-00, 39F 22142-00, 39F 22143-00, 39F 22144-00, 39F 22145-

00, 39F 22146-00 appeared in the Preliminary Decree for the Little Missouri River, above Little Beaver Creek (Basin 39F) issued May 23, 2019. These claims received issue remarks. Issue remarks result from Department of Natural Resources and Conservation (“DNRC”) claims examination or by Water Court order. Claims examination confirms the historical use of water right claims and identifies issues with claims. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim.

Claims 39F 22130-00, 39F 22131-00, 39F 22132-00, 39F 22141-00, and 39F 22143-00 received motions to amend filed by Claimant Pilster Ranch Corp.

FINDINGS OF FACT

1. Claims 39F 22130-00, 39F 22131-00, 39F 22132-00, 39F 22139-00, and 39F 22140-00 appeared with the following issue remark:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

2. Claims 39F 22130-00, 39F 22131-00, 39F 22132-00, and 39F 22140-00 appeared with the following issue remark:

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

3. Claims 39F 22130-00, 39F 22132-00, 39F 22143-00, 39F 22144-00, 39F 22145-00, and 39F 22146-00 appeared with the following issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED PRIORITY DATE.

4. Claims 39F 22131-00, 39F 22139-00, 39F 22140-00, 39F 22141-00, 39F 22142-00, 39F 22145-00, and 39F 22146-00 each appeared with the following issue remark:

THE CLAIMS LISTED AT THE END OF THIS STATEMENT CLAIM THE SAME NOTICE OF APPROPRIATION. THE CLAIMED NOTICE OF APPROPRIATION DOES NOT SPECIFY A FLOW RATE. 39F 22131-00, 39F 22139-00, 39F 22140-00, 39F 22141-00, 39F 22142-00, 39F 22145-00, 39F 22146-00.

5. Claim 39F 22139-00 also appeared with the following issue remark:

POINT OF DIVERSION AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

6. Claim 39F 22142-00 also appeared with the following issue remark:

PLACE OF USE AND POINT OF DIVERSION WERE CHANGED THOUGH NOT OBJECTED TO AND SHALL BE CALLED IN ON MOTION AND HEARD IN THE NEXT DECREE.

Motions to Amend

7. Claimant filed motions to amend Claims 39F 22130-00, 39F 22131-00, 39F 22132-00, 39F 22141-00, and 39F 22143-00 on September 29, 2020. Each motion includes maps, proposed abstracts, and other relevant supporting evidence. Each motion is signed by Larry Pilster, president of Pilster Ranch Corp. The proposed amendments would not likely adversely affect other water rights in the basin.

8. Claimant requests the following modifications for the subject claims:

39F 22130-00 –

The place of use ID# 3 need to be corrected to reflect the historic use and ownership to Pilster Ranch Corp. Therefore, it is requested that the below be amended to:

PLACE OF USE:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
3		SWSENE	15	9S	58E	CARTER

39F 22131-00 –

The point of diversion, means of diversion location and place of use need to be corrected to reflect the historic use. Therefore, it is requested that the below be amended to:

POINT OF DIVERSION:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWNE	22	9S	58E	CARTER

MEANS OF DIVERSION LOCATION:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		NWNWNE	22	9S	58E	CARTER

PLACE OF USE:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2NWNE	22	9S	58E	CARTER
2		SWNWNE	22	9S	58E	CARTER

39F 22132-00 –

The place of use needs to be corrected to reflect the historic use. POU# 3 is located on BLM land and can not be listed as a place of use. Therefore, it is requested that the below be amended to:

PLACE OF USE:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWSW	14	9S	58E	CARTER
2		NWNWSW	14	9S	58E	CARTER

39F 22141-00 –

The volume, acres, means of diversion, point of diversion and place of use need to be corrected to reflect the historic use. Therefore, it is requested that the below be amended to:

Volume: 102.0 acre-feet

Maximum acres: 68 acres

Point of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
#1		N2NWNW	23	9S	58E	Carter
#2		NENWNE	22	9S	58E	Carter

Means of Diversion:

#1: DIKE

#2: DIKE

Place Of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
#1	3.3		S2SESE	15	9S	58E	Carter
#2	14.3		S2SWSW	14	9S	58E	Carter
#3	12.9		S2SESW	14	9S	58E	Carter
#4	5.5		NENWNE	22	9S	58E	Carter
#5	17.1		N2NENE	22	9S	58E	Carter
#6	14.9		N2NWNW	23	9S	58E	Carter
Total	68.0						

39F 22143-00 –

The place of use need to be corrected to reflect the historic use. Therefore, it is requested that the below be amended to:

Place Of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
#1	2.2		S2NWSW	14	9S	58E	Carter
#2	2.3		W2NESW	14	9S	58E	Carter
#3	3.8		E2SESE	15	9S	58E	Carter
#4	22.4		SWSW	14	9S	58E	Carter
#5	9.3		W2SESW	14	9S	58E	Carter
Total	40.0						

9. The place of use of Claim 39F 22130-00 should be described as follows:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNESE	15	9S	58E	CARTER
2			NENWSE	15	9S	58E	CARTER
3			SWSENE	15	9S	58E	CARTER

10. The point of diversion, reservoir record, and place of use of Claim 39F 22131-00 should be described as follows:

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWNE	22	9S	58E	CARTER
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		DAM				
Reservoir:		ONSTREAM Reservoir Name: FOSTER NO. 3				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		NWNWNE	22	9S	58E	CARTER

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2NWNE	22	9S	58E	CARTER
2			SWNWNE	22	9S	58E	CARTER

11. The place of use of Claim 39F 22132-00 should be described as follows:

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENWSW	14	9S	58E	CARTER
2			NWNWSW	14	9S	58E	CARTER

12. The proposed volume for Claim 39F 22141-00 appears to be based on the currently claimed volume per acre ratio, which is 1.5 acre-feet per acre. The increase in volume is commensurate with the proposed increase in acreage.

13. The Court takes judicial notice of the 1960 Water Resources Survey for Carter County published by the State Engineer's Office. The proposed increase in acreage for Claim 39F 22141-00 is supported by information in the Survey.

14. The volume, acres irrigated, point of diversion, means of diversion, and place of use of Claim 39F 22141-00 should be described as follows:

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2NWNW	23	9S	58E	CARTER
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		DIKE				
2		NENWNE	22	9S	58E	CARTER
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		DIKE				

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.30		S2SESE	15	9S	58E	CARTER
2	14.30		S2SWSW	14	9S	58E	CARTER
3	12.90		S2SESW	14	9S	58E	CARTER
4	5.50		NENWNE	22	9S	58E	CARTER
5	17.10		N2NENE	22	9S	58E	CARTER
6	14.90		N2NWNW	23	9S	58E	CARTER
Total:		68.00					

15. The place of use of Claim 39F 22143-00 should be described as follows:

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.20		S2NWSW	14	9S	58E	CARTER
2	2.30		W2NESW	14	9S	58E	CARTER
3	3.80		E2SESE	15	9S	58E	CARTER
4	22.40		SWSW	14	9S	58E	CARTER
5	9.30		W2SESW	14	9S	58E	CARTER
Total:		40.00					

Priority Date and Notice of Appropriation Issue Remarks

16. Claims 39F 22131-00, 39F 22139-00, 39F 22140-00, 39F 22141-00, 39F 22142-00, 39F 22145-00, and 39F 22146-00 each claim the same priority date and use

the same “Notice of Appropriation” filed by C. Kent Hale in 1957. Several of these claims are for stock water. Stock water claims are not decreed with quantified flow rates or volumes. Several of these claims are for water spreading irrigation. Water spreading claims are decreed with a quantified volume, but not a quantified flow rate. The cumulative volume of the water spreading claims does not exceed the volume stated in the “Notice of Appropriation.”

17. Claims 39F 22130-00, 39F 22132-00, 39F 22143-00, 39F 22144-00, 39F 22145-00, and 39F 22146-00 claim a priority date of either June 30, 1947 or June 30, 1954. Although the “Notice of Appropriation” was filed in 1957, the years 1947 and 1954 are both referenced as dates of appropriation in the “Notice of Appropriation” included with each statement of claim.

18. None of the above-captioned claims received objections from other parties in the basin.

19. The issue remarks should be removed from each relevant above-captioned claim.

APPLICABLE LAW

1. A properly filed statement of claim is prima facie proof of its content. Section 85-2-227, MCA. The prima facie status of a claim may be overcome by a preponderance of the evidence. Section 85-2-227, MCA; Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

2. A claimant may move to amend their water right claim so that the claim more accurately represents historical use. Section 85-2-233, MCA; Rule 10, W.R.Adj.R. Notice to other water right owners may be required if the amendment would adversely affect other water rights. 85-2-233(6)(a)(i). Claimants wishing to amend their claim must overcome the prima facie status of the claim by a preponderance of the evidence. Section 85-2-227, MCA; Rule 19, W.R.Adj.R.

3. The Water Court must weigh an issue remark, and the information resulting in that issue remark, against the claimed water right. Section 85-2-247(2), MCA.

4. The Water Court must resolve all issue remarks not resolved through the objection process. Section 85-2-248, MCA. The Court must review information in the claim file or obtained by the Court to determine if there is a sufficient basis to resolve the remarks. 85-2-248(3), MCA.

CONCLUSIONS OF LAW

1. Basin wide notice pursuant to Section 85-2-233(6), MCA is not needed because the requested amendments will not likely adversely affect other water rights in the basin.

2. The changes described in the Findings of Fact may be made because the evidence in the record overcomes the prima facie status of each relevant claim by a preponderance of the evidence.

3. The information in the record provides the Court with a sufficient basis to resolve and remove each issue remark from each relevant above-captioned claim.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. Post-decree Abstracts of Water Right Claims are served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Pilster Ranch Corp.
55 Pilster Drive
Alzada, MT 59311

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 22130-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PILSTER RANCH CORP
55 PILSTER DRIVE
ALZADA, MT 59311

Priority Date: JUNE 30, 1954

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF THOMPSON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNESE	15	9S	58E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** FOSTER NO. 5

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESE	15	9S	58E	CARTER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 5.00 FEET

Surface Area: 11.00 ACRES

Capacity: 22.00 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNESE	15	9S	58E	CARTER
2			NENWSE	15	9S	58E	CARTER
3			SWSENE	15	9S	58E	CARTER

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 22131-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PILSTER RANCH CORP
55 PILSTER DRIVE
ALZADA, MT 59311

Priority Date: JUNE 30, 1947

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF THOMPSON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWNE	22	9S	58E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** FOSTER NO. 3

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWNE	22	9S	58E	CARTER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 5.00 FEET

Surface Area: 21.00 ACRES

Capacity: 42.00 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2NWNWNE	22	9S	58E	CARTER
2			S2NWNWNE	22	9S	58E	CARTER

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

22131-00

22141-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 22132-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PILSTER RANCH CORP
55 PILSTER DRIVE
ALZADA, MT 59311

Priority Date: JUNE 30, 1954

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF THOMPSON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWSW	14	9S	58E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** FOSTER NO. 6

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSW	14	9S	58E	CARTER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 5.00 FEET

Surface Area: 7.00 ACRES

Capacity: 14.00 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENWSW	14	9S	58E	CARTER
2			NWNWSW	14	9S	58E	CARTER

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 22139-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PILSTER RANCH CORP
55 PILSTER DRIVE
ALZADA, MT 59311

Priority Date: JUNE 30, 1947

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF THOMPSON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWNW	21	9S	58E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** FOSTER 1 (WYOTANA RANCH NO. 4)

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWNW	21	9S	58E	CARTER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 18.00 FEET

Depth: 15.00 FEET

Surface Area: 24.00 ACRES

Capacity: 80.00 ACRE-FEET

SEE THE NATIONAL INVENTORY OF DAMS REPORT IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

RESERVOIR DAM LOCATED IN SWSWSW SEC 16 AND NWNWNW SEC 21 TWP 09S RGE 58E CARTER CNTY.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2NE	20	9S	58E	CARTER
2			N2NWNW	21	9S	58E	CARTER

3

S2SESE

17

9S

58E

CARTER

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 22140-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PILSTER RANCH CORP
55 PILSTER DRIVE
ALZADA, MT 59311

Priority Date: JUNE 30, 1947

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF THOMPSON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	22	9S	58E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** FOSTER 2 (WYOTANA RANCH NO. 5)

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWNW	22	9S	58E	CARTER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 15.00 FEET

Depth: 12.00 FEET

Surface Area: 42.00 ACRES

Capacity: 104.00 ACRE-FEET

SEE THE NATIONAL INVENTORY OF DAMS REPORT IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

THE RESERVOIR EXTENDS INTO THE NE, NENESE AND THE E2NW SEC 21, T9S, R58E, CARTER COUNTY.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2W2NW	22	9S	58E	CARTER
2			SENE	21	9S	58E	CARTER

3	N2NE	21	9S	58E	CARTER
4	NENW	21	9S	58E	CARTER

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

22140-00

22145-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 22141-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PILSTER RANCH CORP
55 PILSTER DRIVE
ALZADA, MT 59311

Priority Date: JUNE 30, 1947

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 102.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 68.00

Source Name: UNNAMED TRIBUTARY OF THOMPSON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2NWNW	23	9S	58E	CARTER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	DIKE					
2		NENWNE	22	9S	58E	CARTER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	DIKE					
Period of Use:	JANUARY 1 TO DECEMBER 31					

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.30		S2SESE	15	9S	58E	CARTER
2	14.30		S2SWSW	14	9S	58E	CARTER
3	12.90		S2SESW	14	9S	58E	CARTER
4	5.50		NENWNE	22	9S	58E	CARTER
5	17.10		N2NENE	22	9S	58E	CARTER
6	14.90		N2NWNW	23	9S	58E	CARTER
Total:	68.00						

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

22131-00

22141-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 22142-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PILSTER RANCH CORP
55 PILSTER DRIVE
ALZADA, MT 59311

Priority Date: JUNE 30, 1947

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

***Volume:** 50.40 AC-FT
Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 24.00

***Source Name:** UNNAMED TRIBUTARY OF THOMPSON CREEK
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWSW	15	9S	58E	CARTER
Period of Diversion:	APRIL 1 TO AUGUST 31					
Diversion Means:	DAM					
Period of Use:	APRIL 1 TO AUGUST 31					

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		S2SWSW	15	9S	58E	CARTER
2	15.00		NWNW	22	9S	58E	CARTER
3	3.00		W2NENW	22	9S	58E	CARTER
Total:	24.00						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 22143-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PILSTER RANCH CORP
55 PILSTER DRIVE
ALZADA, MT 59311

Priority Date: JUNE 30, 1954

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 60.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 40.00

Source Name: UNNAMED TRIBUTARY OF THOMPSON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	14	9S	58E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.20		S2NWSW	14	9S	58E	CARTER
2	2.30		W2NESW	14	9S	58E	CARTER
3	3.80		E2SESE	15	9S	58E	CARTER
4	22.40		SWSW	14	9S	58E	CARTER
5	9.30		W2SESW	14	9S	58E	CARTER
Total:	<u>40.00</u>						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 22144-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PILSTER RANCH CORP
55 PILSTER DRIVE
ALZADA, MT 59311

Priority Date: JUNE 30, 1954

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 29.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 19.00

Source Name: UNNAMED TRIBUTARY OF THOMPSON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2S2	15	9S	58E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.00		SWSE	15	9S	58E	CARTER
2	5.00		SESW	15	9S	58E	CARTER
3	4.00		SESE	15	9S	58E	CARTER
Total:	<u>19.00</u>						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 22145-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PILSTER RANCH CORP
55 PILSTER DRIVE
ALZADA, MT 59311

Priority Date: JUNE 30, 1947

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 90.00 AC-FT
Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 42.00

Source Name: UNNAMED TRIBUTARY OF THOMPSON CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2NWNW	21	9S	58E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	42.00		N2NW	21	9S	58E	CARTER
Total:	42.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

22145-00 22146-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

22140-00 22145-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 22146-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PILSTER RANCH CORP
55 PILSTER DRIVE
ALZADA, MT 59311

Priority Date: JUNE 30, 1947

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 60.00 AC-FT
Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 40.00

Source Name: UNNAMED TRIBUTARY OF THOMPSON CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		E2NENW	21	9S	58E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.00		N2NW	21	9S	58E	CARTER
Total:	40.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

22145-00 22146-00